
SELECTED UTAH CODE SECTIONS RELATED TO THE BOARD OF REGENTS AND INSTITUTIONAL BOARDS OF TRUSTEES

53B-1-101 Purpose of title.

It is the purpose of this title:

(1) to provide a high quality, efficient, and economical public system of higher education through centralized direction and master planning which:

- (a) avoids unnecessary duplication;
- (b) provides for the systematic and orderly development of facilities and quality programs;
- (c) provides for coordination and consolidation; and
- (d) provides for systematic development of the role or roles of each institution within the system of higher education consistent with the historical heritage and tradition of each institution;

(2) to vest in the State Board of Regents the power to govern the state system of higher education consistent with state law and delegate certain powers to institutional boards of trustees and institutional presidents, and to vest certain powers in institutional boards of trustees and institutional presidents.

Amended by Chapter 58, 1991 General Session

53B-1-103 Establishment of State Board of Regents -- Powers and authority.

(1) There is established a State Board of Regents.

(2) (a) The board is vested with the control, management, and supervision of the institutions of higher education designated in Section 53B-1-102 in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.

(b) The board is vested with the following powers relating to the Utah College of Applied Technology and its college campuses:

- (i) approving each competency-based associate of applied technology degree before allowing a college campus to offer the degree;
- (ii) making rules governing the transfer of applied technology education degrees awarded by the Utah College of Applied Technology to other higher education institutions;
- (iii) appointing the president for the Utah College of Applied Technology in accordance with Section 53B-2a-102 and board policy; and
- (iv) facilitating and coordinating the operation of the Utah College of Applied Technology within the system of higher education.

(c) Except for the Utah College of Applied Technology, the board may modify the name of an institution under its control and management, as designated in Section 53B-1-102, to reflect the role and general course of study of the institution.

(3) The board is the State Postsecondary Review Entity for Utah for purposes of Title IV, Part H, of the federal Higher Education Act of 1965, as amended by the Higher Education Act Amendments of 1992.

(4) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of applied technology education.

Amended by Chapter 289, 2003 General Session

53B-1-104 Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.

(1) (a) The board shall consist of 18 residents of the state.

(b) (i) Fifteen members shall be appointed by the governor with the consent of the Senate.

- (ii) (A) One additional member shall be appointed by the governor from nominations of the student body presidents council.
- (B) The council shall nominate three qualified, matriculated students enrolled in the state institutions of higher education.
- (C) Student body presidents are not eligible for nomination.

(iii) All appointments to the board shall be made on a nonpartisan basis.

(iv) In making appointments to the board, the governor shall select:

- (A) individuals from the state at large with due consideration for geographical representation; and
- (B) at least three individuals with personal experience in applied technology education, which could include service on a campus board of directors.

- (c) (i) In addition to the members designated under Subsection (1)(b), two members of the State Board of Education, appointed by the chair of the State Board of Education, shall serve as nonvoting members of the board.
- (ii) A nonvoting member shall continue to serve as a member without a set term until the member is replaced by the chair of the State Board of Education.
- (2) (a) Five members of the board, other than the student member and the State Board of Education members, shall be appointed during each odd-numbered year to six-year staggered terms which commence on July 1 of the year of appointment.
- (b)(i) The student member shall be appointed for a one-year term and may be reappointed for one additional term.
- (ii) The student member has full voting rights and may vote on selection of a board chair or vice chair, but not serve in either office.
- (c) Board members shall hold office until their successors have been appointed and qualified.
- (3) (a) Each member of the board shall take the official oath of office before entering upon the duties of office.
- (b) The oath shall be filed with the Division of Archives and Records Services.
- (4) The board shall elect a chair and vice chair from its members who shall serve terms of two years and until their successors are chosen and qualified.
- (5) (a) The board shall appoint a secretary from the staff of its chief executive to serve at its discretion.
- (b) The secretary shall be a full-time employee who receives a salary set by the board.
- (c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.
- (6) The board shall appoint a treasurer who serves at the discretion of the board.
- (7) (a) The board may establish advisory committees.
- (b) The powers and authority of the board are nondelegable, except as specifically provided for in this title.
- (c) All matters requiring board determination shall be addressed in a properly convened meeting of the board or its executive committee.
- (8) The board shall enact bylaws for its own government not inconsistent with the constitution or the laws of this state.
- (9) (a) The board shall meet regularly upon its own determination.
- (b) The board may also meet, in full or executive session, at the request of its chair, its executive officer, or five members of the board.
- (10) A quorum of the voting members of the board is required to conduct its business and consists of nine members.
- (11) (a) A vacancy in the board occurring before the expiration of a voting member's full term shall be immediately filled by appointment by the governor with the consent of the Senate.
- (b) The appointee serves for the remainder of the unexpired term.
- (12) (a) Each member of the board shall receive a per diem as provided by law as compensation for services for attending meetings of the board.
- (b) Each member shall also be paid actual expenses incurred for attending meetings of the board or its committees or for attending to any business of the institutions under the direction of the board or authority of the board or its committees.

Amended by Chapter 285, 2006 General Session

53B-2-102 Board to appoint president for each institution.

The board, after consulting with the institution's board of trustees, appoints a president for each institution in the state system of higher education who serves at its pleasure and at such salary as it may determine.

Amended by Chapter 58, 1991 General Session

53B-2-103 Boards of trustees -- Powers and duties.

- (1) Each college and university has a board of trustees which may act in behalf of its institution in performing duties, responsibilities, and functions as may be specifically authorized to the board of trustees by the State Board of Regents.
- (2) A board of trustees has the following powers and duties:
- (a) facilitates communication between the institution and the community;
- (b) assists in planning, implementing, and executing fund raising and development projects aimed at supplementing institutional appropriations;

- (c) perpetuates and strengthens alumni and community identification with the institution's tradition and goals; and
- (d) selects recipients of honorary degrees.

Amended by Chapter 58, 1991 General Session

53B-2-104 Memberships of board of trustees -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

- (1) (a) The board of trustees of an institution of higher education consists of the following:
 - (i) eight persons appointed by the governor and approved by the Senate; and
 - (ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.
- (b) The appointed members of the boards of trustees for Utah Valley University and Salt Lake Community College shall be representative of the interests of business, industry, and labor.
- (2) (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.
- (b) An appointed member holds office until a successor is appointed and qualified.
- (c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (4) (a) Each member shall take the official oath of office prior to assuming the office.
- (b) The oath shall be filed with the Division of Archives and Records Services.
- (5) Each board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.
- (6) (a) Each board of trustees may enact bylaws for its own government, including provision for regular meetings.
- (b) (i) The board of trustees may provide for an executive committee in its bylaws.
- (ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.
- (iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.
- (iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.
- (c) Copies of the board of trustees' bylaws shall be filed with the board.
- (7) A quorum is required to conduct business and consists of six members.
- (8) A board of trustees may establish advisory committees.
- (9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) Members may decline to receive per diem and expenses for their service.
- (b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) State government officer and employee members may decline to receive per diem and expenses for their service.
- (c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) Higher education members may decline to receive per diem and expenses for their service.
- (10) This section does not apply to the Utah College of Applied Technology.

Amended by Chapter 356, 2007 General Session

53B-2-105 Consultation with boards of trustees.

- (1) The board shall consult with the board of trustees or the president of the institution or both of them prior to acting on matters pertaining to the institution.
- (2) The board may do the following:

- (a) call meetings with one or more of the several boards of trustees;
- (b) invite other groups to meet with it; and
- (c) appoint committees, including members of boards of trustees, administrators, faculty staff members, and students to perform duties assigned by the board.

Amended by Chapter 58, 1991 General Session

53B-2-106. Duties and responsibilities of the president of each institution -- Approval by board of trustees.

(1) The president of each institution may exercise grants of power and authority as delegated by the board, as well as the necessary and proper exercise of powers and authority not specifically denied to the institution, its administration, faculty, or students by the board or by law, to assure the effective and efficient administration and operation of the institution consistent with the statewide master plan for higher education.

(2) Except as provided by the board, the president of each institution, with the approval of the institution's board of trustees may:

- (a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and other professional personnel, prescribe their duties, and determine their salaries;
- (ii) appoint support personnel, prescribe their duties, and determine their salaries from the institution's position classification plan, which may:
 - (A) be based upon similarity of duties and responsibilities within the institution; and
 - (B) as funds permit, provide salary and benefits comparable with private enterprise;
- (iii) adopt policies for:
 - (A) employee sick leave use and accrual; and
 - (B) service recognition for employees with more than 15 years of employment with the institution;
- (iv) subject to the authority of, policy established by, and the approval of the board of regents, and recognizing the status of the institutions within the state system of higher education as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's administration and to coordinate legal affairs within the institution. The board of regents shall coordinate activities of attorneys at the institutions of higher education. The institutions shall provide an annual report to the board of regents on the activities of appointed attorneys. These appointed attorneys may not conduct litigation, settle claims covered by the State Risk Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the Office of the Attorney General in providing legal representation to the institution;
- (b) provide for the constitution, government, and organization of the faculty and administration, and enact implementing rules, including the establishment of a prescribed system of tenure;
- (c) authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students. In recognition of the diverse nature and traditions of the various institutions governed by the board, the systems of faculty government need not be identical but should be designed to further faculty identification with and involvement in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role as established in the statewide master plan for higher education; and
- (d) enact rules for administration and operation of the institution which are consistent with the prescribed role established by the board, rules enacted by the board, or the laws of the state. The rules may provide for administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters, for student government and student affairs organization, for the establishment of institutional standards in furtherance of the ideals of higher education fostered and subscribed to by the institution, its administration, faculty, and students, and for the holding of classes on legal holidays, other than Sunday.

(3) Compensation costs and related office expenses for appointed attorneys shall be funded within existing budgets.

(4) The State Board of Regents shall establish guidelines relating to the roles and relationships between institutional presidents and boards of trustees, including those matters which must be approved by a board of trustees before implementation by the president.

(5) This section does not apply to the Utah College of Applied Technology.

Amended by Chapter 5, 2001 Special Session 1